

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
MICHAEL KEVIN DUPONT,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 04-11431-GAO
)	
DAVID NOLAN,)	
)	
Respondent.)	
_____)	

**MOTION FOR ENLARGEMENT OF TIME
TO FILE ANSWER OR RESPONSIVE PLEADINGS TO
PETITION FOR WRIT OF HABEAS CORPUS**

The respondent, David Nolan, through counsel, respectfully moves this Court to enlarge the time in which to file an answer or other responsive pleading to the above-captioned petition for writ of habeas corpus to August 11, 2004.

As grounds therefor, the respondent's attorney states:

1. Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts requires the respondent to answer each allegation of the complaint and state whether the petitioner has exhausted state remedies including post-conviction actions. The Rule also requires that the respondent indicate what transcripts or parts of state court proceedings are available.

2. To this end, the respondent's attorney has requested the record of the petitioner's state court proceedings from the Middlesex County District Attorney's office. The district attorney's office is locating the files, which will speak to whether the petitioner has exhausted his state court remedies for the claims he now asserts.

WHEREFOR, the respondent respectfully moves this Court to enlarge the time for filing

an answer or other responsive pleading in the above-captioned petition to August 11, 2004.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

/s Susanne G. Reardon
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Dated: July 16, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon petitioner at the address below on July 16, 2004, by depositing the copy in the office depository for collection and delivery by first-class mail, postage pre-paid, to him as follows:

Michael Kevin Dupont, pro se
P.O. Box 100
South Walpole, MA 02071

/s Susanne G. Reardon
Susanne G. Reardon
Assistant Attorney General

